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September 24, 2019

**VIA ECF**

Honorable Robert Kugler, U.S.D.J.  
U.S. District Court - District of New Jersey  
Mitchell S. Cohen Building & US  
Courthouse  
1 John F. Gerry Plaza, Courtroom 4D  
4th and Cooper Streets  
Camden, NJ 08101

Honorable Joel Schneider, U.S.M.J.  
U.S. District Court - District of New Jersey  
Mitchell S. Cohen Building & US  
Courthouse  
1 John F. Gerry Plaza, Courtroom 3C  
4th and Cooper Streets  
Camden, NJ 08101

Re: IN RE: VALSARTAN N-NITROSODIMETHYLAMINE (NDMA) PRODUCTS  
LIABILITY LITIGATION  
Civil No. 19-2875 (RBK/JS)

Dear Judge Kugler and Judge Schneider:

Please accept this letter on behalf of plaintiffs addressing the Agenda issues in advance of the September 25, 2019 Case Management Conference.

**1. Status of Plaintiff Fact Sheets.**

The personal injury PFS should be complete or nearly so by the time of the case management conference. The class plaintiff/TPP proposed PFS's were recently served, and

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plaintiffs will provide redlines and comments very shortly, with the goal to have all of the PFSs entered at the same time.

**2. Status of Defendant Fact Sheets.**

Plaintiffs are waiting for defendants' edits to the defendant fact sheet draft that was sent to defendants in June 2019.

**3. Dismissal of Peripheral Defendants.**

The parties have nearly completed negotiations over the stipulation of dismissal and will be prepared to discuss specifics at the conference if necessary.

**4. Motion to Expand MDL.**

Plaintiffs filed a motion to expand the MDL to encompass cases regarding any sartans (i.e. losartan, irbesartan) contaminated with carcinogenic nitrosamines. Other than their objections to the scope of the expansion, defendants objected to expanding the MDL to include losartan and irbesartan cases and argued that not enough losartan and irbesartan cases have been filed to justify any expansion of the MDL. The motion is expected to be heard by the JPML at the December 5, 2019 hearing.

**5. Update Regarding Search Terms and Custodians.**

Plaintiffs served proposed search terms on defendants on September 16, 2019, and have not received any feedback from defendants to date. Defendants started serving proposed lists of custodians on September 23, 2019. The lists appear on their face to be very limited. Plaintiffs will need an open, substantive dialogue with defendants to understand their corporate organization, internal processes, and a wider spectrum of potential custodians, and this can only occur through

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a formal meet and confer process or appropriate 30(b)(6) deposition if defendants are unwilling to meet with plaintiffs.

**6. Update Regarding General Discovery Requests.**

Plaintiffs served discovery requests on August 30, 2019, and are awaiting defendants' response.

**7. Request for Definitive Lot/Batch Identification.**

As discussed during the most recent telephonic status conference, plaintiffs have requested definitive lot and batch information from each defendant, sufficient to identify (including cross referencing to data points such as NDC codes) all contaminated valsartan containing drugs manufactured by any defendant, regardless of whether those lots or batches were recalled or whether their sale pre-dated the recalls.

**8. Status of Updates to Core Discovery Productions Regarding Ongoing Communications with the FDA.**

Plaintiffs have not received any updates to core discovery production, which does not appear to be correct since there are likely ongoing discussions between defendants and the FDA.

**9. Request for Informal Meetings with Corporate Employees to Facilitate Custodial Discovery.**

As stated above, plaintiffs request off the record discussions with defendants' corporate representatives, and exemplar documents regarding relevant issues, so that plaintiffs can knowledgeably engage in an informed dialogue with the defendants regarding proposed search

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terms and custodians, and to discuss potential objections to the plaintiffs' initial document requests.

**10. Update on Hetero and Aurobindo Corporate Representative Depositions.**

Plaintiffs are awaiting any objections these defendants may have with regard to these ordered depositions.

**11. Potential Rescheduling of October, November, and December Conferences.**

Plaintiffs request the rescheduling of the October 23, 2019 conference to October 16, 2019 due to a conflict with "Mass Torts Made Perfect," a large conference held twice a year in Las Vegas, which will be attended by multiple members of plaintiffs' steering and executive committees.

Plaintiffs request the rescheduling of the November and December 2019 conferences to the prior week due to conflicts with Thanksgiving and Christmas holidays.

Please advise if Your Honors require anything else prior to the conference.

Respectfully,



ADAM M. SLATER